

1 Marc V. Kalagian
2 Attorney at Law: 4460
3 Law Offices of Lawrence D. Rohlffing, Inc., CPC
4 12631 East Imperial Highway Suite C-115
5 Santa Fe Springs, CA 90670
6 Tel.: (562) 868-5886
7 Fax: (562) 868-8868
8 E-mail: marc.kalagian@rksslaw.com

6 Leonard Stone
7 Attorney at Law: 5791
8 Shook & Stone
9 710 South 4th Street
Las Vegas, NV 89101
Tel.: (702) 385-2220
Fax: (702) 384-0394
E-mail: Lstone@shookandstone.com

10 Attorneys for Plaintiff
Christina Marie Neville

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

15 CHRISTINA MARIE NEVILLE,) Case No.: 2:23-cv-02001-EJY
16 Plaintiff,)
17 vs.)
18 MARTIN O'MALLEY,) STIPULATION AND ~~PROPOSED~~
Commissioner of Social Security,) ORDER FOR THE AWARD AND
19 Defendant.) PAYMENT OF ATTORNEY FEES
) AND EXPENSES PURSUANT TO
) THE EQUAL ACCESS TO JUSTICE
) ACT, 28 U.S.C. § 2412(d) AND
) COSTS PURSUANT TO 28 U.S.C. §
20) 1920
)
)

22 TO THE HONORABLE ELAYNA J. YOUCRAH, MAGISTRATE JUDGE
23 OF THE DISTRICT COURT:

24 IT IS HEREBY STIPULATED, by and between the parties through their
25 undersigned counsel, subject to the approval of the Court, that Christina Marie
26 Neville (“Neville”) be awarded attorney fees in the amount of NINE THOUSAND

1 FOUR HUNDRED dollars (\$9,400.00) under the Equal Access to Justice Act
2 (EAJA), 28 U.S.C. § 2412(d), and no under 28 U.S.C. § 1920. This amount
3 represents compensation for all legal services rendered on behalf of Plaintiff by
4 counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920;
5 2412(d).

6 After the Court issues an order for EAJA fees to Neville, the government
7 will consider the matter of Neville's assignment of EAJA fees to Marc Kalagian.
8 The retainer agreement containing the assignment is attached as exhibit 1.
9 Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521, 2529 (2010), the ability to honor the
10 assignment will depend on whether the fees are subject to any offset allowed under
11 the United States Department of the Treasury's Offset Program. After the order for
12 EAJA fees is entered, the government will determine whether they are subject to
13 any offset.

14 Fees shall be made payable to Neville, but if the Department of the Treasury
15 determines that Neville does not owe a federal debt, then the government shall
16 cause the payment of fees, expenses and costs to be made directly to Law Offices
17 of Lawrence D. Rohlwing, Inc., CPC, pursuant to the assignment executed by
18 Neville.¹ Any payments made shall be delivered to Law Offices of Lawrence D.
19 Rohlwing, Inc., CPC. Counsel agrees that any payment of costs may be made either
20 by electronic fund transfer (ETF) or by check.

21 This stipulation constitutes a compromise settlement of Neville's request for
22 EAJA attorney fees, and does not constitute an admission of liability on the part of
23 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
24

25 ¹ The parties do not stipulate whether counsel for the plaintiff has a cognizable lien
26 under federal law against the recovery of EAJA fees that survives the Treasury
Offset Program.

1 constitute a complete release from, and bar to, any and all claims that Neville
2 and/or Marc Kalagian including Law Offices of Lawrence D. Rohlfing, Inc., CPC,
3 may have relating to EAJA attorney fees in connection with this action.

This award is without prejudice to the rights of Marc Kalagian and/or the Law Offices of Lawrence D. Rohlfing, Inc., CPC, to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

8 | DATE: September 26, 2024 Respectfully submitted,

LAW OFFICES OF LAWRENCE D. ROHLFING, INC., CPC

/s/ Marc V. Kalagian

BY: _____

Marc V. Kalagian

Attorney for plaintiff
CHRISTENIA MARIE NEVILLE

DATE:September 26, 2024 JASON M. FRIERSON
United States Attorney

/s/ David Priddy

DAVID PRIDDY

Special Assistant United States Attorney

Attorneys for Defendant

MARTIN O'MALLEY, Commissioner of Social Security (Per e-mail authorization)

ORDER

Approved and so ordered:

DATE: September 26, 2024

Elayna J. Youchah
THE HONORABLE ELAYNA J. YOUCRAH
UNITED STATES MAGISTRATE JUDGE